

Senate Bill 389

By: Senators Hill of the 6th, Williams of the 19th, Hill of the 32nd and Williams of the 27th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

To amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so as to provide for certain program violation sanctions; to require certain data matches concerning program participants; to require additional information regarding participants for annual reports related to the program; to provide for an exception to lifetime maximum assistance; to revise provisions relating to rules and regulations; to provide for a cash diversion program; to revise sanctions; to provide for intervention for a recipient who fails to comply with the work activity requirement; to provide for annual reports; to authorize contracting for eligibility data verification services; to amend Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to lottery for education, so as to provide for monthly reports to the Department of Agriculture and the Department of Human Services and the confidentiality of same; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by adding new Code sections to read as follows:

"49-4-12.1.

(a) As used in this Code section, the term 'sanction' means a 100 percent reduction of any assistance provided to a program participant for three months for the first material violation, six months for the second material violation, one year for the third material violation, and termination of any assistance provided to the program participant for a fourth material violation within a time period established by the board; provided, however, that the department may determine that there is good cause not to apply such a sanction in specific circumstances.

(b) A program participant shall be subject to sanction for failing to comply with the state plan if the program participant:

(1) Violates any personal responsibility or work participation requirement; provided, however, that a single custodial parent with a child under 12 months of age may be exempt from any work participation requirement until adequate child care is available; or

(2) Except for violations of this chapter which result in the program participant no longer being eligible for assistance, violates any other term or condition specified in the federal Social Security Act, as amended, the state plan, or the rules and regulations of the board.

49-4-12.2.

(a) No later than July 1, 2017, the department shall conduct data matches using the name, date of birth, address, social security number of each applicant and program participant, and additional data provided by the applicant or program participant relevant to eligibility against public records and other relevant data sources to verify eligibility data.

(b) The contractor selected by the department, upon completing an eligibility data verification of an applicant or program participant, shall notify the department of the results, except that the contractor shall not verify the eligibility of persons residing in long-term care facilities whose income and resources were at or below the applicable financial eligibility standards at the time of their last review. Within 20 business days of such notification, the department shall make an eligibility determination. The department shall retain final authority over eligibility determinations. The contractor shall keep a record of all eligibility data verifications communicated to the department.

(c) Within 30 days of the end of each calendar year, the department and contractor shall file a joint report on a yearly basis to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall include, but shall not be limited to, the number of applicants and program participants determined ineligible for assistance programs based on the eligibility data verification by the contractor and the stated reasons for the determination of ineligibility by the department.

(d) The department's report shall include the mean, median, and mode of the amount of time program participants are provided assistance; the number of program participants who concurrently received multiple types of public assistance and the types of public assistance; and the type and weight of food purchased pursuant to Code Section 2-17-5."

49-4-24.

(a) Funds available on electronic benefit transfer cards shall not be used by recipients to purchase alcohol, liquor or imitation liquor, cigarettes, tobacco products, bail, gambling activities, lottery tickets, tattoos, travel services provided by a travel agent, money transmission to locations abroad, sexually oriented adult materials, concert tickets,

professional or collegiate sporting event tickets, or tickets for other entertainment events intended for the general public.

(b) Electronic benefit transfer card transactions shall be prohibited at all retail liquor stores, casinos, gaming establishments, jewelry stores, tattoo parlors, massage parlors, body piercing parlors, spas, nail salons, lingerie shops, tobacco paraphernalia stores, vapor cigarette stores, psychic or fortunetelling businesses, bail bond companies, video arcades, movie theaters, cruise ships, theme parks, dog or horse racing facilities, pari-mutuel facilities, sexually oriented businesses, retail establishments which provide adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, and businesses or retail establishments where minors under age 18 are not permitted.

(c) Upon enrollment, the Department of Human Services shall offer new applicants an itemized list of prohibited purchases, including those specified in subsection (a) of this Code section, and make such a list available on the department's website.

(d) The Department of Human Services shall prohibit establishments identified under subsection (b) of this Code section from operating automated teller machines that accept electronic benefit transfer cards. An establishment that is found in violation of this subsection shall be subject to sanctions against such establishment's license.

(e) If a recipient is found to have violated subsection (a) of this Code section, the Department of Human Services shall issue a warning in writing to the recipient. Notwithstanding Code Section 49-4-185, the recipient shall be subject to disqualification of benefits for up to three months following the first offense and a permanent termination of benefits following the second offense, unless expressly prohibited by federal law. 49-4-25.

(a) The Department of Human Services shall send all recipients who have requested three electronic benefit transfer replacement cards within a 12 month period a letter informing them that another request will require participation in a face-to-face interview with a fraud investigator and eligibility expert.

(b) If a third-party vendor is administering replacement cards directly to recipients, it shall notify the Department of Human Services after the request for a third replacement card in a 12 month period and of any subsequent request thereafter.

(c) Upon a recipient's request for a fourth replacement card within any 12 month period and any subsequent request thereafter, the Department of Human Services shall schedule the recipient for an interview with a fraud investigator and eligibility expert before another replacement card is issued.

97 (d) If a recipient fails to appear at an interview scheduled pursuant to subsection (c) of this  
98 Code section, the Department of Human Services shall terminate the recipient's benefits  
99 within ten days, unless expressly prohibited by federal law.

## 100 SECTION 2.

101 Said title is further amended by revising Code Section 49-4-182, relating to the creation of  
102 the Temporary Assistance for Needy Families Program, as follows:

103 "49-4-182.

104 (a) There is created the Georgia Temporary Assistance for Needy Families Program,  
105 which shall be known as the 'Georgia TANF Program.' The purpose of such program is to  
106 provide necessary assistance to needy families with children on a temporary basis and to  
107 provide parents, legal guardians, or other caretaker relatives of children with the necessary  
108 support services to enable such parents, legal guardians, or caretaker relatives to become  
109 self-sufficient and leave the program as soon as possible. After an initial assessment and  
110 once the state determines an applicant is ready for work, applicants for assistance shall be  
111 required to engage in a work activity in accordance with Part A of Title IV of the federal  
112 Social Security Act, as amended, and the state plan as soon as possible after making  
113 application for assistance, but in any event no later than 24 months after first receiving cash  
114 assistance.

115 (b) Assistance shall be provided in accordance with the state plan and any future  
116 amendments thereto. Cash assistance to a recipient who is not a minor child and who is a  
117 head of a household or married to the head of a household shall be limited to a lifetime  
118 maximum of 48 months, whether or not consecutive, beginning January 1, 1997; provided,  
119 however, that the lifetime maximum shall not apply to any family to which the department  
120 has granted an exemption for reasons of hardship or if the family includes an individual  
121 who has been battered or subjected to extreme cruelty, provided that the average monthly  
122 number of such families in a fiscal year shall not exceed 20 percent of the average monthly  
123 number of families to which TANF is provided during the current fiscal year or the  
124 immediately preceding fiscal year.

125 (c) Nothing in this article, the state plan, or any rules or regulations adopted pursuant to  
126 this article shall be interpreted to entitle any individual or any family to assistance under  
127 the Georgia TANF Program."

## 128 SECTION 3.

129 Said article is further amended by revising subsection (b) of Code Section 49-4-183, relating  
130 to administration of article by department, promulgation of rules and regulations by board,  
131 and duties of the department, as follows:

132 "(b) The board shall ensure that such rules and regulations provide for:

133 (1) Methods of administration necessary for the proper and efficient operation of the  
134 state plan for implementation of this article;

135 (2) Reasonable standards for determining eligibility and the extent of assistance available  
136 for recipients;

137 (3) Consideration of the income and resources of an applicant for assistance in  
138 determining eligibility; provided, however, that in order to encourage the formation and  
139 maintenance of two-parent families, when a TANF recipient marries, the new spouse's  
140 income and assets shall be disregarded for six consecutive months. This disregard shall  
141 be a once-in-a-lifetime benefit for the recipient;

142 (4) Personal responsibility obligations and work activity requirements consistent with  
143 Part A of Title IV of the federal Social Security Act, as amended, and the state plan,  
144 provided that programs included in the personal responsibility obligations established by  
145 the board shall include counseling on abstinence until marriage; and provided, further,  
146 that a single custodial parent with a child under 12 months of age may be exempt from  
147 any work activity requirement until adequate child care is available;

148 (5) Criteria which make an applicant ineligible to receive benefits under the Georgia  
149 TANF Program, including but not limited to those specified in Code Section 49-4-184;

150 (6) Specific conduct which would authorize the reduction or termination of assistance  
151 to a recipient, including but not limited to that specified in Code Section 49-4-185;

152 (7) Standards whereby certain obligations, requirements, and criteria will be waived for  
153 specific applicants or recipients based on hardship;

154 (8) An administrative hearing process with hearings to be conducted by the Office of  
155 State Administrative Hearings in accordance with Chapter 13 of Title 50, the 'Georgia  
156 Administrative Procedure Act,' and subsection (b) of Code Section 49-4-13;

157 (9) Safeguards which restrict the use and disclosure of information concerning applicants  
158 for and recipients of assistance under this article and in accordance with Code Section  
159 49-4-14 and Part A of Title IV of the federal Social Security Act, as amended;

160 (10) Immunizations for specified diseases for preschool age children as a condition of  
161 assistance being provided for such children, and the schedule of and standards for  
162 administering such immunizations, including the presentation of a certificate of  
163 immunization, unless:

164 (A) There is appropriate evidence from the local health department or a physician that  
165 an immunization sequence has been started and can be completed within a period of up  
166 to 180 days, in which case a waiver of the immunization requirement for up to 180 days  
167 shall be granted;

(B) After examination by the local board of health or a physician, any preschool age child is found to have a physical disability which may make vaccination undesirable, in which case a certificate to that effect issued by the local board of health or the physician may be accepted in lieu of a certificate of immunization and shall exempt the child from obtaining a certificate of immunization until the disability is relieved;

(C) The parent or legal guardian furnishes an affidavit swearing or affirming that the immunization conflicts with the religious beliefs of the parent or legal guardian; or

(D) The implementation of such an immunization requirement violates any federal law or regulations or would result in the loss of any federal funds to this state; ~~and~~

(11) The establishment and maintenance of individual development accounts. The funds in such accounts may be used for postsecondary educational expenses, the purchase of a first home, or business capitalization. The funds in such accounts shall not be considered in determining eligibility for cash assistance pursuant to 42 U.S.C. Section 604(h); and

(12) Procedures to determine whether a recipient has cooperated with a work activity requirement and procedures for notification of a caretaker relative, second parent, or payee receiving the financial assistance on behalf of the recipient's family unit."

#### SECTION 4.

Said article is further amended by adding a new Code section to read as follows:

"49-4-184.1.

Beginning July 1, 2017, the department shall implement a cash diversion program that grants eligible TANF recipients lump sum cash grants for short-term needs, as well as job referrals or referrals to career centers, in lieu of signing up for the long-term monthly cash assistance program upon a showing of good cause as determined by the department. Such lump sum grants shall be available for use once in a 12 month period and only five times in a lifetime. Good cause may include loss of employment, excluding voluntarily quitting or being dismissed due to poor job performance or failure to meet a condition of employment; catastrophic illness or accident of a family member that requires an employed recipient to leave employment; a domestic violence incident; or any other situation or emergency that renders an employed family member unable to care for the basic needs of the family. The board shall promulgate rules and regulations determining the parameters for the cash diversion program, including good cause determinations, and shall set the lump sum maximum limit at not more than 12 times the family size allowance and for use once in a 12 month period and only five times in a lifetime. Funds received under this Code section shall be deducted from the lifetime maximum provided under Code Section 49-4-182."

**SECTION 5.**

Said article is further amended by revising Code Section 49-4-185, relating to sanctions against recipient for failure to comply, as follows:

"49-4-185.

(a) As used in this Code section, the term 'sanction' means a 25 percent reduction of any cash assistance provided to a family for a time period established by the board for the first material violation and termination of any cash assistance provided to the family for any subsequent material violation within a time period established by the board; provided, however, that the department may determine that there is good cause not to apply such a sanction in specific circumstances.

(b) ~~A~~ Except as otherwise provided in Code Section 49-4-185.1, a recipient shall be subject to sanction for failing to comply with the state plan if the recipient:

(1) Fails to report that a child is absent from home for a period of 45 consecutive days or, in the case of a child who is a recipient, being absent from home for a period of 45 consecutive days; provided, however, that a child who is a recipient shall not be sanctioned if the department determines there is good cause not to sanction the child under such circumstances;

~~(2) Violates any personal responsibility or work participation requirement; provided, however, that a single custodial parent with a child under 12 months of age may be exempt from any work participation requirement until adequate child care is available;~~  
or

~~(3)~~(2) Except for violations of subsection (a) of Code Section 49-4-184 which result in the recipient no longer being eligible for assistance, violates any other term or condition specified in the federal Social Security Act, as amended, the state plan, or the rules and regulations of the board."

**SECTION 6.**

Said article is further amended by adding new Code sections to read as follows:

"49-4-185.1.

(a) If after an investigation the department determines that a recipient is not cooperating with a work activity requirement under the Georgia TANF Program, a representative of the department shall meet face-to-face with the recipient to explain the potential sanction and the requirements to cure the sanction. After the meeting, such recipient shall have six weeks to comply with the work activity requirement, during which time no sanction of benefits shall occur. If the recipient does not comply with the work activity requirement within that six-week period, the department shall immediately apply a sanction terminating 25 percent of the amount of temporary assistance benefits to or for the recipient and the

recipient's family for a maximum of 12 weeks. During such period of sanctions, the recipient shall remain on the caseload in sanction status and a representative of the department shall attempt to meet face-to-face with the recipient to explain the existing sanction and the requirements to cure the sanction. To cure a sanction, the recipient shall perform work activities for at least a minimum average of 20 hours per week for one month, as described in 45 C.F.R. 261.31(d). If the recipient does not cure the sanction, the case shall be closed.

(b) To return to the Georgia TANF Program after having been sanctioned and removed from the caseload under subsection (a) of this Code section, an applicant shall complete work activities for a minimum average of 20 hours per week within one month of the temporary assistance eligibility interview.

(c) The department shall not impose sanctions under this Code section where a recipient has good cause for any failure to comply with requirements.

(d) Nothing in this article shall be construed to prohibit the state from providing child care or any other related social or support services for a person who is eligible for cash assistance but to whom such assistance is not paid because of the person's failure to cooperate with the work activity."

"49-4-194.

Within 90 days of the conclusion of the state's fiscal year, the department shall produce an annual report which shall account fully for and shall specify the expenditure of funds made pursuant to the program. Within 180 days of the end of the state's fiscal year, the Commissioner shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Such report shall include, but not be limited to, relevant information concerning the operation of the program for the preceding fiscal year; the quantity and dollar value of Georgia products distributed; the number of recipients served in each county; the mean, median, and mode of the amount of time recipients are served; and the number of recipients who concurrently received other types of public assistance and the types of public assistance.

49-4-195.

(a) No later than January 1, 2017, the department shall procure and enter into a competitively bid contract with a contractor to provide verification of initial and ongoing eligibility data for assistance under the Georgia TANF Program. The contractor shall conduct data matches using the name, date of birth, address, social security number of each applicant and recipient, and additional data provided by the applicant or recipient relevant to eligibility against public records and other relevant data sources to verify eligibility data.



(b) The contractor, upon completing an eligibility data verification of an applicant or recipient, shall notify the department of the results, except that the contractor shall not verify the eligibility of persons residing in long-term care facilities whose income and resources were at or below the applicable financial eligibility standards at the time of their last review. Within 20 business days of such notification, the department shall make an eligibility determination. The department shall retain final authority over eligibility determinations. The contractor shall keep a record of all eligibility data verifications communicated to the department.

(c) Within 30 days of the end of each calendar year, the department and contractor shall file a joint report on a yearly basis to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall include, but shall not be limited to, the number of applicants and recipients determined ineligible for assistance programs based on the eligibility data verification by the contractor and the stated reasons for the determination of ineligibility by the department."

## SECTION 7.

Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to lottery for education, is amended by revising Code Section 50-27-29, relating to agreements with agencies of other jurisdictions and restriction on release of records, documents, and information, as follows:

"50-27-29.

(a) The corporation may enter into intelligence sharing, reciprocal use, or restricted use agreements with the federal government, law enforcement agencies, lottery regulation agencies, and gaming enforcement agencies of other jurisdictions which provide for and regulate the use of information provided and received pursuant to the agreement.

(b) Records, documents, and information in the possession of the corporation received pursuant to an intelligence-sharing, reciprocal use, or restricted use agreement entered into by the corporation with a federal department or agency, any law enforcement agency, or the lottery regulation or gaming enforcement agency of any jurisdiction shall be considered investigative records of a law enforcement agency and are not subject to Article 4 of Chapter 18 of this title and shall not be released under any condition without the permission of the person or agency providing the record or information.

(c)(1) Notwithstanding subsection (b) of this Code section, the corporation shall provide to the Department of Human Services and the Department of Agriculture monthly written reports no later than the twentieth day of each month listing the names, addresses, and winning amounts of all individuals who during the prior calendar month claimed winnings in excess of \$1,000.00.

311     (2) The written reports provided to the Department of Human Services and the  
312     Department of Agriculture from the corporation in accordance with subsection (c) of this  
313     Code section shall retain their confidentiality and shall only be used in the administration  
314     of public benefits pursuant to Chapter 17 of Title 2 and Chapter 4 of Title 49. Any  
315     employee or prior employee of any state agency who unlawfully discloses any such  
316     information for any other purpose, except as otherwise specifically authorized by law,  
317     shall be subject to the same penalties specified by law for unauthorized disclosure of  
318     confidential information by an agent or employee of the corporation."

319   **SECTION 8.**

320     This Act shall become effective upon its approval by the Governor or upon its becoming law  
321     without such approval.

322   **SECTION 9.**

323     All laws and parts of laws in conflict with this Act are repealed.